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Subject: Fw: coming out of court of appeals, going into Court of Federal Claims and Supreme Courtm, PRELIMINARY

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William (Bill) D. Peterson II, with PRELIMINARY
300-Year SNF Disposal &
3-Year Fuel & Deficit Recovery Plan,
Deficit Recovery Institute (DRI)
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SUPREME COURT
OF THE UNITED STATES
~~333 Constitution Avenue, NW, Room 5523~~
~~Washington, DC 20543~~
Phone: 202-479-3011 Facsimile: ~~202-219-8530~~

William (Bill) D. Peterson, Engineer	!	
for 300-Year SNF Disposal Solution &	!	PETIT ION
3-year Fuel and Economy Recovery Plan,	!	FOR WRIT OF CIRCURARI
<i>Petitioner</i>	!	
vs.	!	Case No. <u>10-1007</u>
	!	
United States of America	!	
Nuclear Regulatory Commission, et al.*	!	Supreme Court Judges
<i>Federal Respondents</i>	!	

* Fuel Independence and Spent Nuclear Fuel plan – Respondent parties are: NRC - **Dr. Gregory B. Jaczko**, Commission Chairman, Nuclear Regulatory Commission, Atomic Safety and Licensing Board; DOE - **Dr Steven Chu**, Secretary of Energy, Director DOE, Department of Energy; EPA - **Lisa P. Jackson**, Director, Environmental Protection Agency; NAS - **Dr. Ralph J. Cicerone**, President, National Academies of Science, and NEI - **Marvin S. Fertel**, Chief Executive Officer, Nuclear Energy Institute.

* Deficit and Economic recovery plan, including Fuel Independence – Respondent parties are: DOC - **Gary Locke**, Secretary, Department of Commerce; DOL - **Hilda Solis**, Secretary, Department of Labor; DOT - **Timothy F. Geithner**, Secretary, Department of the Treasury; FTC – **Jon Leibowitz**,

Chairman, Federal Trade Commission; and the TPCC - **Joe Hurd**, Senior Director Trade Promotion Coordinating Committee.

* Other Federal Administrative parties of interest are: Former Nuclear Waste Negotiator, Idaho Congressman Richard Stallings, and President Barack Obama.

02) By Peterson's 300-year process, 03) Spent Nuclear fuel is disposed of
04) The U.S. Deficit is a consequence of imbalance of trade, 05) half is oil
01) Peterson proposed 3-year fuel plan gets the U.S. fuel independent
06) EPA, not DOE is responsible for SNF disposal,

07) MISUNDERSTANDINGS HAVE THE GOVERNMENT STYMIED

08) As did Private Fuel Storage (PFS) in NRC docket No. 72-22, 09) back in the 1987 to 1993 era,
10) Peterson accepted an invitation of the Congress through President Bush and Nuclear Waste
Negotiator David Leroy and 11) President Clinton through Nuclear Waste Negotiator Richard Stallings.
12) In Nuclear Regulatory Commission (NRC) docket No. 72-23 Peterson proposed the Pigeon Spur
Southern Pacific Railroad site in Box Elder County Utah. 13) Peterson has since conceived the 300-
year SNF disposal solution. 14) Peterson has had no funding. 15) The U. S. Department of Energy
(DOE) has rejected 13 proposals from Peterson, 16) all because of DOE's mistaken understanding that
SNF disposal has to be in Yucca Mountain (YM). 17) A July 9th 2004, order of the Court of Appeals for
the District of Columbia Circuit in Case No. 01-1258 orders that DOE is wrong.

18) Appellant William Donald Peterson II (Peterson) works to do disposal of spent nuclear fuel
(SNF). 19) He asserts a new 300-year SNF disposal solution having near surface storage, 20) only 12
feet underground storage. 21) So at any time out in 300 years, 22) the SNF can be retrieved and then
be separated into three parts, 23) then each part would be disposed of separately and differently.
24) YM geological storage puts SNF out of reach for future 300-year processing, 25) and has other
troubles. 26) Peterson's 300-year processes requires a high degree 99.999% (called five-9s)
separation of the transuranics (1% of the SNF) from the fission wastes (FW is 3% of the SNF).
27) U.S. patented in 2009, 28) Idaho National Laboratory (INL) scientists have developed a 5-9s
separation process. 29) In 300-years the pure fission waste (FW) decays to low level Class-C, 30) in

another 500-years the FW is Class-A. 31) The transuranics are disposed of as fuel. 32) The other 96% of SNF is U238 are stockpiled like iron and is safe to be around. 33) This will work.

34) There is no other known solution for SNF disposal. 35) Peterson's 300-year solution has not been considered by DOE because of misunderstandings. 36) DOE has considered, 37) and worked on only Yucca Mountain (YM). 38) A July 9th 2004, 39) order of the Court of Appeals for the District of Columbia Circuit in Case No. 01-1258 orders that EPA with the National Academies of Sciences is responsible for how SNF is disposed of, 40) not DOE. 41) The order says YM is only a suggestion of the Congress. 42) The order has been ignored which is stymieing everything. Now the government nothing going for SNF disposal. 43) But Peterson does. 44) Again Peterson moves for the rightful use of the NWF to license and develop Pigeon Spur and four more sites, 45) and work with INL to develop and demonstrate the processing part of the 300-year solution.

46) Peterson has asserted that YM type deep geological burial of SNF will not work for SNF disposal. 47) Energy Secretary Steven Chu has ordered curtailment of YM. 48) Now the government has no idea for a disposal solution, 49) not place to store it, 41) no Department of the Government now rightly working on the problem, 50) and now the Court of Federal Claim is giving back to the nuclear utilities the Nuclear Waste Fund (NWF), 51) paid into by the utilities, 52) as the Congress required to establish funding to dispose of SNF. 53) DOE has wrongly pursued YM when it will not work for SNF disposal when Peterson's 300-year disposal will.

54) THE U.S. MUST BE FUEL INDEPENDENT FROM THE REST OF THE WORLD

Peterson asserts that the U.S. importation of oil from 90+ other nations is imbalance of trade, 55) deficit economics, 56) and is must be discontinued. 57) As quick as can be done, 58) the U.S. needs 500 new nuclear power plants for energy to make electricity to separate hydrogen out of water, 59) to replace oil with hydrogen for fuel. 60) To fix the U.S. economy, 61) America's own fuel will power America's own manufacturing to limit imports to balance with what America exports.

62) PETERSON'S CONTRACT WITH THE U.S. TO DISPOSE OF SNF

⁶³)As did Private Fuel Storage (PFS) contracting for use of the Skull Valley Goshute Indian Reservation, ⁶⁴)in NRC docket No. 72-22, ⁶⁵)back in the 1987 to 1993 era, ⁶⁶)Peterson accepted an invitation of the Congress through President Bush and Nuclear Waste Negotiator David Leroy and President Clinton through Nuclear Waste Negotiator Richard Stallings, ⁶⁷)in Nuclear Regulatory Commission (NRC) docket No. 72-23 Peterson proposed the Pigeon Spur Southern Pacific Railroad site in Box Elder County Utah. ⁶⁸)Peterson has since conceived the 300-year SNF disposal solution. ⁶⁹)Peterson has had no funding. ⁷⁰)The U. S. Department of Energy (DOE) has rejected 13 proposals from Peterson, ⁷¹)all because of DOE's mistaken understanding and excuse that SNF disposal has to be in YM. ⁷²)A July 9th 2004, ⁷³)order of the Court of Appeals for the District of Columbia Circuit in Case No. 01-1258 orders that DOE is wrong. In fact, ⁷⁴)the Court ordered that the U.S. Environmental Protection Agency (EPA) is responsible as to how SNF is disposed of, ⁷⁵)but EPA must hear and consider recommendations of the National Academies of the Sciences (NAS).

⁷⁶)THE DOE HAS CREATED AMERICA'S BIGGEST PROBLEM
⁷⁷)HALF OF THE NATIONAL DEFICIT - MADE BY IMPORTING OIL

⁷⁸)Peterson's studies back in 1990 found that the U.S. deficit is a consequence of America's international imbalance of trade; ⁷⁹)America's importing of oil from 90+ other nations is the cause of almost half of the deficit. ⁸⁰)The U.S. Department of Energy (DOE) has failed to make and set fuel source policy causing almost half of America's deficit. ⁸¹)The President[s], ⁸²)the Congress, ⁸³)and at least eight Departments of the Government have failed to recognize the increasing amount of money, ⁸⁴)now nearly \$3 billion dollars per day leaves the U.S. economy to purchase oil from 90+ other nations to buy oil and more than that is buying things America should be manufacturing for itself, ⁸⁵)and that money has to be replaced by deficit borrowing.

⁸⁶)In Peterson v the U.S. Government, ⁸⁷)Peterson complained to the U.S. Government and its responsible agencies that its economic operation is economically impossible and Unconstitutional. ⁸⁸)They did not answered and so admitted to Peterson complaint. ⁸⁹)Peterson moves for this finding by the U.S. Supreme Court.

⁹⁰⁾The Congress has failed to regulate commerce with foreign nations as required per the U.S. Constitution Section 8, parts 3 and 5. ⁹¹⁾Senator Orrin Hatch and the rest of the Congress has ignored Peterson's 1995 warning that the U.S. and World would bankrupt unless it complied with Peterson's Deficit Recovery Institute (DRI) Rules including getting trade into balance.

⁹²⁾The DOE has wrongly rejected Peterson work and proposals to do disposal of SNF at five sites, ⁹³⁾the first being Pigeon Spur on an existing S.P. ⁹⁴⁾now U.P. railroad spur. ⁹⁵⁾DOE has wrongly rejected Peterson's 3-year proposal to get the U.S. independent of foreign oil. ⁹⁶⁾The Congress has wrongly rejected Peterson demands to control and balance America's international trade. ⁹⁷⁾Since Peterson's 2003 rejections, ⁹⁸⁾Peterson proposal have not been answered.

⁹⁹⁾The government's oversight of all aspects of nuclear power has been confused, ¹⁰⁰⁾misunderstood and ¹⁰¹⁾so has unfortunately been dysfunctional. ¹⁰²⁾DOE has allowed itself to be run by politics instead of science. ¹⁰³⁾So what has been done is wrong. ¹⁰⁴⁾YM has been he a wrong approach. ¹⁰⁵⁾DOE has been trying to assert the YM solution when how SNF is disposed of is EPA's call, ¹⁰⁶⁾not DOE's. ¹⁰⁷⁾So DOE has been doing what EPA should have been doing. Now the responsibility of leadership is in denial and in kayos. ¹⁰⁸⁾In the U.S. Court of Appeals for the District of Columbia Circuit, ¹⁰⁹⁾in Case No. 1258, ¹¹⁰⁾in the Court's order of July 9th, of 2004, ¹¹¹⁾the Court recognized that the Congress had spent only two days to look at the spent nuclear fuel (SNF) storage need. ¹¹²⁾The Court wrote that the Congress's assertion that SNF had to be put into deep cavity geological storage, ¹¹³⁾as is Yucca Mountain, ¹¹⁴⁾had to be only a suggestion. ¹¹⁵⁾The Congress simply has never had the expertise to know what was required and what would work. ¹¹⁶⁾So DOE has wrongly restricted its SNF storage solution to only YM, ¹¹⁷⁾which can't work. ¹¹⁸⁾The Idaho National Laboratory (INL) has been in under the same restriction.

Without For over a decade

¹¹⁹⁾ The U.S. deficit is a consequence of its imbalance of trade. ¹²⁰⁾ America is spending six billion dollars per day more for foreign goods and services than what the U.S. is selling. ¹²¹⁾ Almost half of that is for foreign oil from 90+ other nations. ¹²²⁾ This is imbalance of trade. ¹²³⁾ This is money exported from the U.S. that is not coming back. ¹²⁴⁾ This is the national deficit. ¹²⁵⁾ American commerce has to have an established boundary, ¹²⁶⁾ across which money exchange for goods and services must balance. ¹²⁷⁾ With the concept of a world economy, ¹²⁸⁾ the concept of a national trade boundary does not exist. ¹²⁹⁾ So American economics is impossible economics.

¹³⁰⁾ The Congress's attitude toward international commerce is unconstitutional. ¹³¹⁾ After five years of Peterson's trying to get his Senator Orrin Hatch to look at Peterson's macro economic model and DRI Rules, ¹³²⁾ Hatch wrote to Peterson Saying: ¹³³⁾ For years Peterson tried to get an audience with Utah's Senator Orrin Hatch. ¹³⁴⁾ In 1995 Senator Hatch wrote to Peterson saying:

"¹³⁵⁾ I strongly support maximizing Americans' freedom of choice in product selection", ... "Finally, ¹³⁶⁾ I do not support restraints on capital flows in and out of the United States. ¹³⁷⁾ Our balance of payments, ¹³⁸⁾ current accounts, and ¹³⁹⁾ even our continued industrial development depend on freedom of capital flows across boundaries."

¹⁴⁰⁾ This is a generous and wonderful gesture probably, ¹⁴¹⁾ given by most of the members of Congress. ¹⁴²⁾ Most of the public would probably complain if they could not do this unlimited commerce. ¹⁴³⁾ But they don't know its impossible economics. ¹⁴⁴⁾ They don't realize its exporting their jobs. ¹⁴⁵⁾ They are ignorant about it. ¹⁴⁶⁾ They are like a frog in warming water, ¹⁴⁷⁾ comfortable until they are boiled and dead. ¹⁴⁸⁾ But Peterson warned Senator Hatch that if the Congress did not get trade into balance, ¹⁴⁹⁾ it would bankrupt America, and ¹⁵⁰⁾ also bankrupt most of the World Nations along with the U.S. ¹⁵¹⁾ In 1990 when Peterson first told of this, ¹⁵²⁾ the deficit was \$3 trillion, ¹⁵³⁾ it's now up to around \$15 trillion and accelerating at a rate of \$2+ trillion per year, ¹⁵⁴⁾ and America seemingly still has no realization of what it is doing to itself. ¹⁵⁵⁾ In the Constitution, ¹⁵⁶⁾ Section 8 reads:

¹⁵⁷⁾ Sec. 8. [Powers of congress.]

¹⁵⁸⁾ [3.] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

¹⁵⁹⁾ [5.] To coin Money regulate the Value thereof, and foreign Coin, and fix the Standard of Weights and Measures;

160) In the 16th Amendment it says:

161) The Congress shall have power to lay and collect taxes on incomes, 162) from whatever source derived, 163) without apportionment among the several States, 164) and without regard to any census or enumeration. 165) And

166) The Constitution states that all [direct taxes](#) are required to be apportioned among the states according to population. ^[5] 167) This basically refers to a tax on property, 168) such as a tax based on the value of land, ^[6] 169) as well as a capitation.

170) From these laws, 171) Peterson is seeing that the Congress confines its capitalization matters of the U.S. Government to the States, 172) not reaching into other countries.

173) Peterson moves for the Court to find that it is unconstitutional for the FED to go out of the United States to finance the American economy. 174) Peterson maintains that in a correctly operating confined economy, 175) money will move seven times, 176) and each time can be taxed. 177) So in a correctly operating confined economy stimulus money plowed into the economy comes back as taxes, 178) so makes the economy go. 179) But the way it is now, 180) stimulus money moves only three times, 181) then escapes the economy, 182) becomes deficit, 183) and has to be replaced by the Government. 184) Peterson moves America's money banking be done in Banks in America.

185) The bottom line is the Constitution reads "The Congress has the power to regulate commerce with foreign nations, 186) but has failed to do it and has to do it.

187) In a series of petitions, 188) Peterson has put these issues before Senator Orrin Hatch, 189) all five of his Utah Congressional representatives, DOE, NRC, EPA, and half dozen more government agencies responsible for import – export policy. 190) Peterson's complaints have all gone unanswered. 191) See the records. 192) Apparently No one in the Government can rightly deal with the real deficit problem, 193) imbalance of trade. 194) Open access to the world market has to be throttled to what other countries buy from the U.S. Politically it is huge. 195) The Congress is not working for us. 196) It seems like once a person gets into political office his main objective is to stay into office. 197) The gift of the World market has been given to the public, 198) how can it now be retracted. 199) The Congress refused to look at it, 200) discuss it, 201) and do anything about it. 202) Peterson proposes to the Court consider

what Peterson is trying to do, 203) consider what Peterson as conjectured, 204) consider that nothing has been answered.

205) When the founding fathers originally set up the U.S. Government they established terms of office of 6 years for Senators and 2 years for Congressman. 206) Now they are so intent on being re-elected they are not facing issues that have to be addressed because they are politically unpopular. 207) Peterson now moves that the re-election issue be removed and term limits be set by the Court to six years for Senators and two years for Congressman.

208) The way it is now, 209) every country in the world is in competition with every other country in the world. 210) This will not work. 211) Any little country can regulate its coin down so that it very competitively exports. 212) It won't be able to competitively import. 213) But it will become fat and rich. 214) A first priority must be every nation must produce as much as it consumes. 215) Then every nation must be confined to a boundary across which money flow must balance.

216) National production of goods and services and the sales of them produce income tax and sales tax for federal and state taxes. 217) The economies of communities, 218) states, and 219) nations must have boundaries across which money flow balances. 220) In these conditions, 221) stimulus moneys put in by the government[s] can be expected to move seven times, 222) each time being taxed, 223) so stimulus input returns as tax revenues. 224) With its high imbalance of trade, 225) the way it is now for the U.S. money is moving only three times then escapes the U.S. economy to foreign enterprise[s].

226) PEOPLE'S ADMISSIONS BY COMISSION

227) No one understands nuclear issues! 228) It scares people, 229) especially the Congress. 230) A politician's use of word "nuclear" will get him or her attention. 231) In the Congress's Nuclear Waste Policy Act deep geological storage was the best the Congress could do to "bury" the SNF issue. 232) But it was only a political gesture. 233) Peculiarly, 234) SNF has fission waste materials having half-lives of 6,000 years and less and transuranics with half lives of 100,000 years and more. 235) Nothing

much in-between. SNF is 97% very valuable potential nuclear fuel. ²³⁶SNF must be separated into these three parts and then the parts must be dealt with differently.

²³⁷In the Policy Act, ²³⁸when the Congress wrote of YM, ²³⁹it could only have been a suggestion. ²⁴⁰It was a perpetuation of DOE's suggestion. ²⁴¹They did not consider the studies of Professor Bernard Cohen. ²⁴²For more than a decade members of the Congress people in DOE would not listen to Peterson's saying YM won't work, ²⁴³but his 300-year SNF disposal solution will. ²⁴⁴No one but Peterson and his team understands this today.

²⁴⁵The Court of Appeals for the District of Columbia Circuit's July 9th, 2004, ²⁴⁶order in NEI v EPA in Case No. 01-1258 assertion of NAS suggestion that SNF should be processed must be pursued. ²⁴⁷The Courts assertion that EPA with input from NAS is responsible for how SNF is disposed of must get done. ²⁴⁸The world will run out of oil. ²⁴⁹A replacement fuel will have to be manufactured. ²⁵⁰This will require substantial power and as of now nuclear power is the only potential source.

²⁵¹Two and one half term Utah Governor Mike Leavitt avidly opposed anything nuclear. ²⁵²Politically it was popular. ²⁵³For decades, ²⁵⁴the sounds of the nuclear bomb tests in Nevada rumbled across Utah. ²⁵⁵The likes of Utah Congressman Wayne Owens had convinced Utahans they were sick from the radiation. ²⁵⁶So when President Bush gave appointment to Utah Governor Mike Leavitt to be Director of the EPA from 2003 to 2005, ²⁵⁷when Court of Appeals for the DC Circuit Judges _____ ordered that EPA was responsible for disposal of SNF, ²⁵⁸Director Leavitt could not and did not deal with it. ²⁵⁹The crucial issue of future energy to replace importation of oil was blocked by the omission of the man responsible, ²⁶⁰EPA Director Mike Leavitt. ²⁶¹It is now further blocked by the DC Court of Appeals where Peterson petitioned that the Court reaffirm its July 9th 2004, ²⁶²order which the Court failed to do. ²⁶³So the SNF issue is currently without directive, ²⁶⁴has no concept for storage or disposal, ²⁶⁵no place for disposal, ²⁶⁶and with the U.S. Court of Federal Claims now giving the Nuclear Waste Fund back to the nuclear utilities, ²⁶⁷what

the government is to do with SNF is stymied. ²⁶⁸)But with his Pigeon Spur site, ²⁶⁹)with the 300-year permanent SNF disposal solution, ²⁷⁰)Peterson can dispose of SNF.

²⁷¹)Recent proposals made to John Augustine in the DOE office of acceptance of Unsolicited Proposals, ²⁷²)have not been responded to. ²⁷³)Phone calls have not been answered and ²⁷⁴)E-mails have not been responded to.

²⁷⁵)In 1995, in the U.S. District Court of Utah, ²⁷⁶)Peterson charged his Senator with breach of oath and office. ²⁷⁷)In Court pleadings Peterson asserted that if the Senator did not get the Congress to balance trade, ²⁷⁸)the U.S. and most of the rest of the World nations would become bankrupt. ²⁷⁹)Senator Hatch did not respond. ²⁸⁰)In 2009 Peterson reasserted the requirement to balance international trade to all five of Utah Congressman with the Congress. ²⁸¹)They did not answer. ²⁸²)Peterson was thwarted by a 1997 case in the Utah Federal Court where Attorney George Handy, ²⁸³)representing Peterson's business and Peterson, ²⁸⁴)without POA to represent Peterson, ²⁸⁵)Handy accused Peterson of being a perpetual filer in Court. ²⁸⁶)In that case the Court ordered that Peterson had to have an attorney and had to post a substantial bond.

²⁸⁷)Another plea has now been put to the Utah Federal Court's Chief Judge Ted Stewart.

POLITICS, THE CONGRESS CANNOT DEAL WITH NUCLEAR ISSUES

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From the top of page 4, single spaced

Peterson comes into this work by his acceptance of the Congress' and the President'[s] extended offer from the Nuclear Waste Negotiators: David Leroy for President Bush and Richard Stallings for President Clinton. To dispose of SNF Peterson developed the unique 300-year SNF permanent disposal solution. The 300-year solution enables development nuclear powered separation of water to enable Peterson proposed 3-year way of getting the U.S. independent of foreign oil. This enables balancing of trade, fixing the deficit.
It was wrong for